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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/464,021	12/15/1999	RALF UWE KRAUKLIS	5181-53800	7049

7590

12/01/2003

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EXAMINER

LUU, SY D

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 12/01/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/464,021

Applicant(s)

KRAUKLIS, RALF UWE

Examiner

Sy D Luu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18^{SL} is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18^{SL} is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This communication is responsive to the Appeal Brief and Formal Drawings, both filed 8/28/03.
2. Claims 1-19 are pending in this application. Claims 1, 7, 13 and 18 are independent claims. This action is made Non-Final.

Drawings

3. The drawings were received on 8/28/03. These drawings are acceptable by the Examiner.

Response to Arguments

4. In view of the appeal brief filed on 8/28/03, PROSECUTION IS HEREBY REOPENED. New grounds of rejections are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 102.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Pogue (PalmPilot: The Ultimate Guide, hereinafter “PalmPilot”).

As per claims 1-4 and 6, Pogue teaches a system for managing and displaying a scalable list of items comprising: a small footprint device (fig. 1.2; page 4), a client program to instantiate a list container object and to add list item data objects thereto, wherein a plurality of list item renderer objects executable to display corresponding list item data objects, and a plurality of objects of the list item renderer object class are instantiated by the list container object, wherein the list item renderer object class implements a “set data” method to set the list item data object corresponding to a list item renderer object and wherein the list container object passes the corresponding list item data objects to the “set data” method for each list item renderer object,

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and wherein each of the plurality of list item renderer objects displays the corresponding list item data object in a displayed list row corresponding to the list item renderer object (page 7, *figure on the right side; drop down list showing container objects such as "Main" which contains list renderer objects such as "Address" and "Calc" having list item data objects associated therewith, wherein an associated list item data object such as that being depicted on the right side figure in page 5 when its associated renderer object is executed/run*).

As per claim 5, Pogue teaches the list container object to maintain a start index specifying the first list item data object currently being displayed, wherein in response to user interaction, the list container object updates the start index and specifies an updated list item data object corresponding to each of the plurality of list item renderer objects for display (fig. 1.2, page 4; *inherently, the list container object must update the pointer index to the first list item data object shown on the display when a scrolling operation takes place in order to manage the display of list item data objects properly*).

Claims 7-12 are similar in scope to claims 1-6 respectively, and are therefore rejected under similar rationale.

Claims 13-18 are similar in scope to claims 1-6 respectively, and are therefore rejected under similar rationale.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wanderski (US 6,147,687) in view of Microsoft Windows NT Explorer ("Windows Explorer", Screendumps)

As per claims 1-4 and 6, Wanderski discloses a system for managing and displaying a scalable list of items comprising: a small footprint device (col. 2, lines 48-49), a client program to instantiate a list container object and to add list item data objects thereto, wherein a plurality of list item renderer objects executable to display corresponding list item data objects, and a plurality of objects of the list item renderer object class are instantiated by the list container object, wherein the list item renderer object class implements a "set data" method to set the list item data object corresponding to a list item renderer object and wherein the list container object passes the corresponding list item data objects to the "set data" method for each list item renderer object, and wherein each of the plurality of list item renderer objects displays the corresponding list item data object in a displayed list row corresponding to the list item renderer object (col. 1, lines 21 et seq.; particularly lines 34-65; *Windows Explorer container objects being directories/folders and file objects that are contained therein*). Since Wanderski does not explicitly elaborate on the details of Windows Explorer, the screendumps of Windows Explorer are used to further illustrate/clarify Wanderski's disclosures. For instance, in figure 1 of NT Explorer, list container object "Office" on the left pane instantiates list item renderer objects shown on the right pane with title "Office". Each of the list item renderer object has a list item data object (*file*) associated therewith, so that if the renderer object is executed/run (*such as when*

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the object is double-clicked on), the associated list item data object (*file*) would be processed according to the type of object it is.

As per claim 5, Windows Explorer further shows the list container object to maintain a start index specifying the first list item data object currently being displayed, wherein in response to user interaction, the list container object updates the start index and specifies an updated list item data object corresponding to each of the plurality of list item renderer objects for display (fig. 1, *inherently, the list container object must update the pointer index to the first list item data object shown on the display when a scrolling operation takes place in order to manage the display of list item data objects properly*).

Claims 7-12 are similar in scope to claims 1-6 respectively, and are therefore rejected under similar rationale.

Claims 13-18 are similar in scope to claims 1-6 respectively, and are therefore rejected under similar rationale.

Inquires

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sy Luu whose telephone number is (703) 305-0409. The examiner can normally be reached on Monday - Thursday from 7:00 am to 4:30 pm (EST). The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

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The fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

A handwritten signature in black ink, appearing to read 'Sy D. Luu', with a long horizontal flourish extending to the right.

SY D. LUU
PRIMARY EXAMINER